

much of the Escrow Account assets as are necessary to satisfy the obligations of the judgment or order.

5. The Escrow Account shall continue until at least five years after

_____ last advertises, promotes, offers for sale, sells, or distributes any product specified in the Consent Order, at which time, if there are no pending FTC investigations, legal or administrative actions by the FTC against _____, or unsatisfied obligations pursuant to a judgment or order described in paragraph 4 herein, for which a claim could be made against the escrow funds under the terms of the Consent Order, the FTC shall, upon _____'s request, instruct the Escrow Agent to terminate the Escrow Account and return the balance of the Escrow Account to _____. At such time, the Escrow Agent shall be fully and completely released from its agency as herein described. The legal title to the escrow funds shall vest in _____ at such time as the Escrow Agent, pursuant to instructions from the FTC, returns the funds to _____.

Witness the signatures of the parties, the day and year first above written.

Date:

Signatures

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from proposed respondents Original Marketing, Inc. d/b/a Acu-Stop 2000; Franklin & Joseph, Inc.; Barry A. Weiss; and Roger Franklin.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising related to the sale of an ear-mold acupressure device, marketed under the name Acu-Stop 2000, which nests in the ear. The Commission's Complaint charges that proposed respondents Original Marketing, Inc. d/b/a Acu-Stop 2000; Franklin & Joseph, Inc.; Barry A. Weiss; and Roger Franklin falsely represented that the Acu-Stop 2000: (1) Causes significant weight loss; (2) causes significant weight loss without the need to diet or exercise; and (3)

controls appetite or eliminates a person's craving for food.

The Complaint also alleges that proposed respondents falsely and misleadingly represented that they possessed and relied upon a reasonable basis when they made those claims. The Complaint further alleges that proposed respondents falsely represented that the Acu-Stop 2000 is scientifically proven to cause significant weight loss and control appetite. Finally, the Complaint alleges that proposed respondents falsely represented that testimonials from consumers appearing in advertisements for the Acu-Stop 2000 reflect the typical or ordinary experience of members of the public who have used the device.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent proposed respondents from engaging in similar acts in the future.

Part I of the proposed order prohibits proposed respondents from representing that the Acu-Stop 2000 or any other acupressure device: (1) Causes significant weight loss; (2) causes significant weight loss without the need to diet or exercise; (3) controls appetite or eliminates a person's craving for food; or (4) is scientifically proven to cause significant weight loss and control appetite. The order defines "acupressure device" as "any product, program, or service that is intended to function by means of the principles of acupressure." Part II requires proposed respondents to possess competent and reliable scientific evidence before making representations regarding the performance, benefits, efficacy, or safety of any weight-loss or weight-control product or program or any acupressure device. Part III prohibits proposed respondents from falsely claiming that endorsements or testimonials for any weight-loss or weight-control product or program or any acupressure device represent the typical or ordinary experience of members of the public who use the product, program, or device. Part IV prohibits proposed respondents from misrepresenting the results of tests or studies for any weight-loss or weight-control product or program or any acupressure device.

Part V holds proposed respondents jointly and severally liable for, and requires them to pay, refunds to all purchasers of the Acu-Stop 2000 who return or have returned the device for a refund. Part V.A. requires respondents to deposit \$50,000 into an escrow account for payment of refunds to eligible consumers who purchased the device prior to January 1, 1995, and who previously have requested a refund or

do so within ninety days after the proposed order becomes final. Part V.B. requires proposed respondents to pay, out of their own funds, all refund requests from eligible consumers that exceed \$50,000 and all such requests for purchases made after January 1, 1995. Together, these two provisions require proposed respondents to pay all existing refund requests and future requests made up to ninety days after the proposed order becomes final. Part VI requires that proposed respondents maintain records demonstrating the manner and form of their compliance with the requirement that they make refunds.

Part VII requires that proposed respondents Weiss and Franklin post a bond or fund an escrow account in the amount of \$300,000 prior to the future marketing any weight-loss or weight-control product or program or any acupressure device.

Part VIII requires proposed respondents to maintain, for five (5) years, all materials that support, contradict, qualify, or call into question any representations they make which are covered by the proposed order. Part IX requires proposed respondents Original Marketing, Inc. and Franklin & Joseph, Inc. to distribute a copy of the order to current and future principals, officers, directors, and managers, as well as to any employees having sales, advertising, or policy responsibility with respect to the subject matter of the order. Under Part X of the proposed order, proposed respondents Original Marketing, Inc. and Franklin & Joseph, Inc. shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in their corporate structures that may affect compliance with the order's obligations. Part XI requires that proposed respondents Weiss and Franklin, for a period of five (5) years, notify the Commission of any change in their business or employment. Part XII obliges proposed respondents to file compliance reports with the Commission.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families****The Regional Offices of the Administration for Children and Families Statement of Organization, Functions, and Delegations of Authority**

This Notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KD, The Regional Offices of the Administration for Children and Families (58 FR 44343), as last amended, August 20, 1993. This reorganization realigns the functions in Region 6 to support their streamlining plan. This Chapter is amended as follows:

1. KD.10 Organization. Regions 1, 3, 4, 5, 7 through X are organized as follows:

Office of the Regional Administrator (KD1A, KD3A, KD4A, KD5A, KD7A through KDXA)

Office of Financial Operations (KD1B, KD3B, KD4B, KD5B, KD7B through KDXB)

Office of Family Security (KD1C, KD3C, KD4C, KD5C, KD7C through KDXC)

Office of Family Supportive Services (KD1D, KD3D, KD4D, KD5D, KD7D through KDXD)

After the end of KD2.20 Functions, Paragraph D, insert the following:

2. KD6.10 Organization. The Administration for Children and Families, Region 6, is organized as follows:

Office of the Regional Administrator (KD6A)

Office of State and Tribal Programs (KD6E)

Office of Community Programs (KD6F)

Functions. A. The Office of the Regional Administrator is headed by a Regional Administrator. In addition, the Office of the Regional Administrator has a Deputy Regional Administrator who reports to the Regional Administrator. The Office provides executive leadership and directives to state, county, city, territorial and tribal governments, as well as public and private local grantees to ensure effective and efficient program and financial management. It ensures that these entities conform to federal laws, regulations, policies and procedures

governing the programs, and exercises all delegated authorities and responsibilities for oversight of the programs. The office takes action to approve state plans and submits recommendations to the Assistant Secretary for Children and Families concerning state plan disapproval. The Office contributes to the development of national policy based on regional perspectives on all ACF programs. It oversees ACF operations, the management of ACF regional staff; coordinates activities across regional programs; and assures that goals and objectives are met and departmental and agency initiatives are carried out. The Office alerts the Assistant Secretary for Children and Families to problems and issues that may have significant regional or national impact. The Office represents ACF at the regional level in executive communications within ACF, with the HHS Regional Director, other HHS operating divisions, other federal agencies, and public or private local organizations representing children and families.

Within the Office of the Regional Administrator, the Program Coordinator and Planning Unit (PCPU), headed by the Executive Officer and consisting of administrative staff, assists the Regional Administrator and Deputy Regional Administrator in providing day-to-day support for regional administrative functions, including budget, internal systems, employee relations and human resource development activities. The PCPU develops and implements the regional planning process. Tracking, monitoring and reporting on regional progress in the attainment of ACF national goals and objectives are carried out. The PCPU coordinates public awareness activities, information dissemination and education campaigns in accordance with the ACF Office of Public Affairs and in conjunction with the HHS Regional Director. The Unit also assists the Regional Administrator in management of cross-cutting initiatives and activities among the regional components, and ensures effective and efficient management of internal automation processes.

B. The Office of State and Tribal Programs is headed by an Assistant Regional Administrator who reports to the Regional Administrator. The Office is responsible for providing centralized management, financial management services, and technical administration of ACF formula, block and entitlement programs such as Aid to Families with Dependent Children (AFDC), Child Support Enforcement (CSE), Job Opportunities and Basic Skills Training (JOBS), Title IV—A Child Care, Child

Care and Development Block Grant (CCDBG), Child Welfare Services, Foster Care and Adoption Assistance, Child Abuse and Neglect and Developmental Disabilities. The Office provides policy guidance to state, county, city or town and tribal governments and public and private organizations to assure consistent and uniform adherence to federal requirements governing formula and entitlement programs. State plans are reviewed and recommendations concerning state plan approval or disapproval are made to the Regional Administrator. The Office provides technical assistance to entities responsible for administering these programs to resolve identified problems, ensures that appropriate procedures and practices are adopted, monitors the programs to ensure their efficiency and effectiveness, establishes regional financial management priorities and reviews cost allocation plans, and oversees the management and coordination of office automation systems in the regional and monitors state systems projects for the CSE, AFDC, Child Welfare and JOBS programs. The Office provides financial management services for ACF formula and entitlement grants in the region. Also reviews cost estimates and reports for ACF entitlement and formula grant programs and recommends funding levels. The Office performs systematic fiscal reviews and makes recommendations to the Regional Administrator to approve, defer or disallow claims for federal financial participation in ACF formula and entitlement grant programs. As applicable, recommendations are made on the clearance and closure of audits of state programs, paying particular attention to financial management deficiencies that decrease the efficiency and effectiveness of the ACF programs and taking steps to monitor the resolution of such deficiencies. The Office represents the Regional Administrator in dealing with ACF Program Offices on all program and financial policy matters under its jurisdiction. Alerts or early warnings are provided to the Regional Administrator regarding problems or issues that may have significant implications for the programs.

C. The Office of Community Programs is headed by an Assistant Regional Administrator who reports to the Regional Administrator. The Office is responsible for providing centralized management, financial management services, and technical administration of ACF discretionary grant programs such as Head Start and Runaway and

Homeless Youth (RHY). In that regard, the Office provides policy guidance to state, county, city or town and tribal governments and public and private organizations to assure consistent and uniform adherence to federal requirements. The Office provides technical assistance to entities responsible for administering these programs to ensure that appropriate procedures and practices are adopted, and monitors the programs to ensure their efficiency and effectiveness. The Office performs systematic fiscal reviews and makes recommendations to the Regional Administrator to approve or disallow costs under ACF discretionary grant programs. The Office issues certain discretionary grant awards based on a review of project objectives, budget projections, and proposed funding levels. As applicable, recommendations are made on the clearance and closure of audits of grantee programs, paying particular attention to financial management deficiencies that decrease the efficiency and effectiveness of the ACF programs and taking steps to monitor the resolution of such deficiencies. The Office oversees the management and coordination of office automation systems in the region such as the PC Cost and HS Cost systems for budget analysis on Head Start Applications and monitors grantee systems projects such as the Head Start Program Information Report, Head Start Management Tracking System and the Youth Development and Head Start Bulletin Board. The Office represents the Regional Administrator in dealing with ACF Program Offices on all program policy and financial matters under its jurisdiction. Alerts or early warnings are provided to the Regional Administrator regarding problems or issues that may have significant implications on the programs.

Dated: May 15, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

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Office of Refugee Resettlement; Statement of Organization, Functions, and Delegations of Authority

This Notice amends Part K, Chapter K of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services, Administration for Children and Families (56 FR 42332) as last amended, August 27, 1991; KR, The Office of Refugee Resettlement (59 FR

23888), as last amended, May 9, 1994. This reorganization will realign the functions of the Office of Refugee Resettlement into two divisions, thereby improving the efficiency and effectiveness of the refugee activities in the Administration for Children and Families. Specifically, we are amending Chapter KR with the following:

KR.00 Mission. The Office of Refugee Resettlement (ORR) advises the Secretary, through the Assistant Secretary for Children and Families, on matters relating to refugee resettlement, immigration, and repatriation. The Office plans, develops and directs implementation of a comprehensive program for domestic refugee and entrant resettlement assistance. It develops, recommends, and issues program policies, procedures and interpretations to provide program direction. The Office monitors and evaluates the performance of states and other public and private agencies in administering these programs and supports actions to improve them. It provides leadership and direction in the development and coordination of national public and private programs that provide assistance to refugees, entrants, and other immigrants.

The Office also plans, develops and provides direction on the administration of the U.S. Repatriate Program.

KR.10 Organization. The Office of Refugee Resettlement is headed by a Director who reports directly to the Assistant Secretary for Children and Families and consists of:

Office of the Director [KRA]

Division of Refugee Self-Sufficiency [KRE]

Division of Community Resettlement [KRF]

KR.20 Functions. A. Office of the Director is directly responsible to the Assistant Secretary for Children and Families for carrying out ORR's mission and providing guidance and general supervision to the components of ORR. Within the Office of the Director, staff assist the Director in managing the formulation of program policy and budget and in the formulation of salaries and expense budgets. Staff also provide administrative, personnel and data processing support services.

The Office coordinates with the lead refugee and entrant program offices of other federal departments; provides leadership in representing refugee and entrant programs, policies and administration to a variety of governmental entities and other public and private interests; and acts as the coordinator of the total refugee and entrant resettlement effort for ACF and the Department.

B. Division of Refugee Self-Sufficiency provides direction for assuring that refugees are provided assistance and services through the State-administered program and alternative programs such as the voluntary agency program and Wilson/Fish projects in a manner that helps refugees to become employed and economically self-sufficient as soon after their arrival in the United States as possible. It monitors and provides technical assistance to the state-administered domestic assistance programs and develops guidance and procedures for their implementation; manages special initiatives to increase refugee self-sufficiency such as through demonstration or pilot programs; manages the unaccompanied minors program to ensure that refugee and entrant unaccompanied minors are provided appropriate care and services; manages the allocation and tracking of funds for refugee cash and refugee medical assistance and State administrative costs; prepares annual budget estimates and related materials; and develops regulations, legislative proposals, and routine interpretations of policy regarding the State-administered and alternative programs.

C. Division of Community Resettlement directs and manages effective refugee resettlement through the programmatic implementation of grants, contracts and special initiatives associated with national discretionary activity and other activities as specified by the Director or required by Congressional mandate.

The Division ensures the quality of medical screening and initial medical treatment of refugees; collects data and performs analyses on the changing needs of the refugee and entrant population; provides leadership to identify data needs and sources, formulates data and reporting requirements; assists states and private agencies on data reporting and the resolution of reporting problems; compiles, evaluates, and disseminates information on the nationwide performance and costs of refugee service programs; responds to unanticipated refugee and entrant arrivals or significant increases in arrivals to communities where adequate or appropriate services do not exist; strengthens the role of ethnic community national or multi-State organizations to promote economic independence among refugees; provides for English Language Training and provides where specific needs have been shown and recognized by the Director for health (including mental